IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 21939 of 2004

Between:

1 Fishermen Cooperative Society, Namburu, Rep. by its President

Konda Aadinarayana, S/o. Ramakrishnaiah, Age about 45 Years,

R/o. Namburu, Guntur District.
2 Kalavakolu Kotaiah, S/o. Raghavulu,
Namburu, Guntur District.

... PETITIONERS

AND

1 District Collector, Guntur District, Guntur.
2 District Panchayat Officer, Guntur Division, Guntur.
3 Assistant Director of Fisheries, Guntur District, Guntur.
4 Gram Panchayat Kaja Village, Mangalagiri Mandal, Rep. by its

Panchayat Secretary, Guntur District, Guntur.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, or order or direction more particularly in the nature of Writ of Mandamus declaring the action of the Divisional Panchayat Officer in permitting the Gram Panchayat to fix the upset price Rs.1,10,000/- from the existing Rs.2,500/- per year for the two tanks in Kaza Village Mangaliri Mandal Guntur District and the inaction of R1 in action on the representation of the petitioner society as per G.O.Ms.No.343 is arbitrary and unconstitutional and consequently set aside the order or Gram Panchayat of the dt. 3-11-2004 along with auction notice dt. 19-11-2004 as it is violative of G.O.Ms.No.343

dt. 10-4-1978.

Counsel for the Petitioner: MR.K.S.MURTHY

Counsel for the Respondents:

1 to 3: GP FOR PANCHAYAT RAJ & RURAL DEV.

R4: Mr. Badri Venkat Reddy

The Court, at the admission stage, made the following:

ORDER:

The present writ petition is filed to declare the action of the respondents, in conducting auction without considering the representations of the petitioners dated 10-11-2004 and 18-11-2004 addressed to the District Collector as per G.O.Ms.No.343 dated
10-04-1978, as illegal and bad.

2. Heard the learned counsel for the petitioner and the learned Government Pleader, and both of them agreed for disposal of the writ petition at the stage of admission.

3. The case of the petitioner-society is that it is a leaseholder of two tanks of Kaza village and for the year 2004, and it had paid an amount of Rs.2,500/- for harvesting the fish.

4. Learned counsel for the petitioner submits that respondents have fixed the minimum upset price of Rs.1,10,000/- per year without following G.O.Ms.No.343 dated 10-04-1978 and G.O.Ms.No.70, and though the petitioners made representations dated 10-11-2004 and 18-11-2004 to the District Collector for determining the minimum upset price keeping in view the basis of the said G.Os., so far no action has been taken on the said representations. It is further stated that even though the representations before the District Collector are pending, the Gram Panchayat is proceeding to conduct auction of the said tanks on
02-12-2004.

5. Since the representations, said to have been filed by the petitioners are pending before the District Collector, I deem it appropriate to dispose of the writ petition with a direction to the District Collector – respondent No.1 and also respondent No.2 to consider the representations of the petitioners, submitted by them for determining the minimum upset price in accordance with G.O.Ms.Nos.343 and 70 and pass appropriate orders thereof, within a period of three weeks from the date of receipt of a copy of this order. Till the representations of the petitioners are disposed of, as directed above, the Gram Panchayat is directed not to conduct any auction.

With the above observations, the writ petition is disposed of.

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N. V. RAMANA, J

November 30, 2004

Note: *Furnish copy in three days*

(B/o)

MRR/GSN

To:

1 District Collector, Guntur District, Guntur.
2 District Panchayat Officer, Guntur Division, Guntur.
3 Assistant Director of Fisheries, Guntur District, Guntur.
4 The Panchayat Secretary, Gram Panchayat Kaja Village, Mangalagiri

Mandal, Guntur District, Guntur.

5 Two C.C. s to the G.P. for Panchayat Raj and Rural Development,

High Court Buildings, Hyderabad.

6 Two C.D. Copies.